

# PLANT PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
66261-044-7

Total Pages in this Submission

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new plant patent application for an invention entitled (include plant's name):

RASPBERRY PLANT NAMED 'JACLYN'

and invented by:

SWARTZ, Harry J.; FIOLA, Joseph A; STILES, Herbert D.; SMITH, Brian R.

03915 U.S. PTO  
10/644083  
08/20/03

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1. ☒ Filing fee
2. ☒ Specification having 15 page(s) (2 copies required - 37 CFR 1.163(b))  
and including the following:
  - ☒ Descriptive title of the Invention (with Plant's name)
  - ☐ Cross References to Related Applications (if applicable)
  - ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - ☒ Background of the Invention
  - ☒ Brief Summary of the Invention
  - ☒ Brief Description of the Drawings
  - ☒ Detailed Botanical Description
  - ☒ Claim (only one (1) permitted MPEP 1605)
  - ☒ Abstract of the Disclosure



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**Application Elements (Continued)**

3. ☒ Drawing(s) in duplicate *(as prescribed by 35 USC 165 and 37CFR 1.165(b))*

☐ Drawings: ☐ Color ☐ Black and white

☒ Photographs: ☒ Color ☐ Black and white

Total Sheets: 10

4. ☒ Oath or Declaration

a. ☐ Newly executed (original or copy) ☒ Unexecuted

b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

c. ☒ With Power of Attorney ☐ Without Power of Attorney

d. ☐ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**Accompanying Application Parts**

6. ☐ Plant Color Coding Sheet

7. ☐ Assignment Papers (cover sheet & document(s))

8. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*

9. ☐ English Translation Document *(if applicable)*

10. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations

11. ☐ Preliminary Amendment

12. ☒ Acknowledgment postcard

13. ☐ Certificate of Mailing

☐ First Class ☐ Express Mail *(Specify Label No.):* \_\_\_\_\_

14. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

15. ☐ Verified Statement(s) to Establish Small Entity Status Under 37 C.F.R. 1.9 and 1.27.



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**Accompanying Application Parts (Continued)**

16. ☒ Additional Enclosures *(please identify below)*:

Application Data Sheet

**Fee Calculation and Transmittal**

The filing fee for this plant patent application is calculated and transmitted as follows:

<b>BASIC FEE</b>	\$260.00
<b>OTHER FEE (specify purpose)</b> _____	\$0.00
<b>TOTAL FILING FEE</b>	\$260.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the total filing fee is enclosed.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
  - ☐ Credit any overpayment.
  - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: August 20, 2003



Signature

Richard H. Tushin, Reg. # 27,297  
DYKEMA GOSSETT PLLC  
CUSTOMER NO. 25269

cc: